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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,518	02/25/2000	Cedell Adam Alexander JR.	RAL9-99-0073	7208

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT PAPER NUMBER

2665

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,518

Applicant(s)

ALEXANDER ET AL.

Examiner

Justin M Philpott

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... The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12, 17-20, 22-25 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 5-8, 13-16, 21, 26 and 31-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed February 25, 2000 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the reference designated by “ANA” referring to the article by Cedell Alexander entitled, “VEGA Release 1.0 Software Functional Specification” does not include a date of publication. Rather, the title page of the article specifies the “Date Created” as September 23, 1998 and the “Date Last Modified” as June 8, 1999. It is unclear if either of these dates corresponds to a date of publication. A statement indicating the date of publication is required for reference “ANA” to be considered. Furthermore, if a copy of the original document created September 23, 1998 prior to the modifications of June 8, 1999 is available, the Examiner would appreciate a copy being filed with the instant application, also with a corresponding date of publication if applicable.

The information disclosure statement has been placed in the application file, but reference “ANA” has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.

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Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 9, 11, 17, 19, 22, 24, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,445,715 to Annaamalai et al.

Regarding claims 1, 9, 17, 22 and 27, Annaamalai teaches a network switch (300, see FIGS. 2 and 3) comprising a CPU (processor, see col. 5, lines 49-64), a memory system having circuitry operable to attach to the CPU (col. 5, lines 51-54), a switch fabric system (parsing engine 303 in conjunction with switching bus 310) having circuitry operable to attach to the CPU, a port controller (port cards 12) having circuitry operable to attach to the switch fabric system, a software application operable to execute on the CPU (see col. 5, lines 49-64 regarding software programs associated with the protocol), a Forwarding Database Distribution Library system (forwarding database 332) operable to execute on the CPU, and a switch device driver (forwarding engine 330) operable to execute on the CPU; wherein the software application is operable to communicate with the FDDL system (forwarding database 332) (see col. 5, line 38 – col. 6, line 28), the FDDL system (forwarding database 332) is operable to communicate with the switch device driver (forwarding engine 330) (see col. 6, lines 16-28), and the switch device

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driver (forwarding engine 330) is operable to communicate with the switch fabric (parsing engine 303 in conjunction with switching bus 310).

Regarding claims 3, 11, 19, 24 and 29, Annaamalai further teaches utilizing application program interfaces (API) for communications with the FDDL system (see col. 7, lines 13-67 regarding DTP protocol wherein messages are exchanged between applications and the switching fabric).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 10, 12, 18, 20, 23, 25, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Annaamalai.

Regarding claims 2, 4, 10, 12, 18, 20, 23, 25, 28 and 30, Annaamalai teaches the network switch as discussed above, however, possibly does not expressly disclose a second software application communicating with the FDDL system. However, Annaamalai refers to a plurality of software applications (see "software programs" in col. 5, line 53; and "software processes" in col. 5, line 60). Furthermore, Annaamalai discloses that the FDDL system (forwarding database 332) is preferably organized as a table structure used for learning and forwarding operations (col.

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6, lines 19-21), which suggests a software application is utilized by the FDDL system. Thus, Annaamalai suggests a second software application communicates with the FDDL system by disclosing a plurality of software applications are utilized for operations within the network switch and by disclosing the functionality of the FDDL system which suggestively utilizes a software application. Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to provide a second software application communicating with the FDDL system in the network switch of Annaamalai in view of Annaamalai referring to a plurality of software applications and suggesting a software application is utilized for the functions performed by the FDDL system.

Allowable Subject Matter

6. Claims 5-8, 13-16, 21, 26, and 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Specifically, the features of first and second application tower FDDL systems and independent software application communicating with independent software application shim were not presently found in the performed search of related art.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,826,030 to Hebert discloses a universal host-to-switch API utilizing a generic message format;

U.S. Patent No. 5,910,954 to Bronstein et al. discloses a network switch;

U.S. Patent No. 6,044,415 to Futral et al. discloses a system for transferring data between an I/O device and an application program memory in accordance with a request over a virtual connection;

U.S. Patent No. 6,192,390 to Berger et al. discloses a method for the location-independent exchange of process data using process-computer-independent data structures; and

U.S. Patent No. 6,516,355 to Hartmann et al. discloses a generic message switching protocol for message handling and switch supervision in conjunction with switching engines wherein messages are supported in the API.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 703.305.7357. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 703.308.6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.4750.

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Justin M Philpott



March 7, 2003



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SUPERVISORY PATENT EXAMINER
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